

Remarks

The application as filed contained a total of 10 claims. Claims 1 - 3, 6, 9 and 10 are ~~canceled without prejudice. This Response addresses remaining issues associated with~~ Claims 4, 5, 7, and 8, as amended. Those claims were rejected under sec. 103 in view of a single reference, US Pat. 4,576,561, to Van de Caveye et al. Claim 4 has been re-written in independent form.

The Van de Caveye et al patent

This patent is directed toward an apparatus for adjusting the height of building blocks while in a "green" state. Applicant does not dispute that Van de Caveye et al discloses a carriage on or through which building blocks are moved under one or more substantially horizontally disposed rollers. The rollers are adjusted to a desired height between the bottom surface of the roller, and the surface on which the blocks are positioned.

However, as set forth in the Office action, page 3, "Van de Caveye et al **do not** disclose means for heating an outer surface of the roller (Claims 4, 6 and 9), do not disclose the roller being formed of a material resistant to adhering to the building block (claim 5), and do not disclose the positioning means coupled to the carriage and roller as being a lead screw (claims 7 and 8)" (bold type added). The Office Action "supplies" these admittedly absent (from Van de Caveye et al) elements by stating that it is "well known and conventional in the press shaping art" to provide a shaping member with some means of minimizing the block material from adhering to the roller, whether heating means or non-stick surface material.

Applicant respectfully disputes this sec. 103 rejection. In particular, Applicant requests that specific prior art references (should any such references be known) be cited in alleged support of this rejection, as opposed to general allegations of what elements are well known and conventional in the press shaping art. Applicant asserts that *Ex Parte Levengood*, 28

USPQ2d 1300 (BPAI 1993) supports this request (albeit more particularly directed at combinations of references used as the basis of sec. 103 rejections), holding therein that in order to establish a *prima facie* case of obviousness, it is necessary for the examiner to present evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge, that one having ordinary skill in the would have been led to the claimed invention.

Applicant respectfully asserts that the sec. 103 rejection is improper and should be withdrawn, in the absence of specific citation of such evidence.

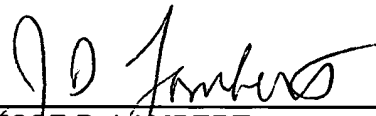
Conclusion

For all of the above reasons, Applicant submits that the claims are in proper form and define patentable subject matter over the cited prior art. Therefore, Applicant respectfully requests that the amendments be entered into the case, submits that the amended claims place this application in condition for allowance, and respectfully request allowance thereof.

Applicant further respectfully requests early consideration of this Response and allowance of the claims thereafter. Should the Examiner believe that a telephonic interview would be helpful in resolving any further questions, please contact the undersigned at the listed telephone number.

A duplicate copy of this letter is attached.

Respectfully submitted,



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